

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2003-36

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4  
5 AN ORDINANCE

6 AMENDING SECTION 14-8.13 SFCC 1987 AND 14-3.1 SFCC 1987 REGARDING THE  
7 ANNUAL WATER BUDGET ORDINANCE AND MAKING SUCH OTHER CHANGES  
8 THAT ARE NECESSARY.

9  
10 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

11 Section 1. Section 14-2.3(C)(5) SFCC 1987 (being ordained as Ord. #2001-38 as  
12 amended) is amended to read:

13 (5) Appeals

14 The Planning Commission is the principal City administrative board  
15 reviewing and granting or denying appeals from decisions of:

- 16 (a) The Summary Committee;
- 17 (b) City staff regarding the zoning regulations set forth in all areas  
18 except the Historical Districts and the Archaeological Review  
19 Districts, and the subdivision regulations set forth in Article 14-  
20 9, provided that the request is also part of a development plan or  
21 subdivision request requiring the Planning Commission's  
22 approval;
- 23 (c) City staff regarding the terrain management regulations (§14-  
24 8.2) and the Escarpment Overlay District (§14-5.6); and

25 Section 2. Section 14-2.3(C)(8)(d) SFCC 1987 (being ordained as Ord. #2001-38

1 as amended) is amended to read:

- 2 (d) Proposed amendments to this chapter, except for proposed  
3 amendments to §14-5.2, on which the Historical Design Review  
4 Board shall review and issue a recommendation, to §14-5.3, on  
5 which the Archaeological Review Committee shall review and  
6 issue a recommendation and to §14-8.13 on which the Public  
7 Utilities Committee shall review and issue a recommendation.

8 Section 3. Section 14-3.1(C) SFCC 1987 (being ordained as Ord. #2001-38 as  
9 amended) is amended to read:

10 (C) Form of Application

11 Applications required under this chapter shall be submitted in a form and in such  
12 number as required by the official responsible for accepting the application.

13 Section 4. Section 14-3.1(D) SFCC 1987 (being Ord. #2002-29) is repealed.

14 Section 5. A new Section 14-3.1(D) SFCC 1987 is ordained to read:

15 (D) [NEW MATERIAL.] Schedule of Fees, Charges, and Expenses

16 The Governing Body shall establish by resolution a schedule of fees, charges,  
17 and expenses and a collection procedure for building permits, appeals,  
18 subdivisions, amendments, and other matters pertaining to these regulations.

19 This schedule of fees shall be posted in the Planning and Land Use Department  
20 and may be altered or amended only by the Governing Body. No permit or  
21 approval required under this chapter shall be issued or granted unless and until  
22 such costs, charges, fees or expenses have been paid in full.

23 Section 6. Section 14-8.13(C)(1) SFCC 1987 (being Ord. #2002-29) is amended  
24 to read:

- 25 (1) The Annual Water Budget Ordinance shall be administered by the City

1 as set forth in the Annual Water Budget Administrative Procedures  
2 adopted separately by resolution of the Governing Body. The  
3 administrative procedures set forth responsibilities, procedures and  
4 standards for administrative actions necessary to implement the Annual  
5 Water Budget Ordinance and shall at a minimum provide for and  
6 establish alternative water budgets, and the type, number, amount of  
7 allowable Demand Offsets, the procedure for appealing decisions under  
8 the Annual Water Budget Ordinance by officials, boards, committees and  
9 other administrative bodies of the City of Santa Fe.

10 Section 7. Section 14-8.13(D)(3) SFCC 1987 (being Ord. #2002-29) is amended  
11 to read:

12 (3) Semi-Annual Review and Revision of Water Allocation

13 The Governing Body shall, at its first public meeting in October and  
14 February of each year, review the information obtained and gathered for  
15 the determination of Total System Supply and Total System Demand. If  
16 the Governing Body determines at the October meeting that Annual  
17 Water Budget and the Annual Water Allocation as provided in §14-  
18 8.13(E) of this Chapter for the current twelve-month period can be  
19 modified to provide for an increase in the Annual Water Allocations,  
20 then the Governing Body at such meeting shall make such modifications.  
21 Because the supplemental Buckman Wells have been permitted to  
22 provide drought relief and an emergency cushion by the customers of the  
23 city water system, any increased water supply brought on by such wells  
24 shall be available only for existing customers and reserve and emergency  
25 uses.

1           **Section 8.**     Section 14-8.13(D)(4) SFCC 1987 (being Ord. #2002-29) is amended  
2 to read:

3                   (4)     **Review of Annual Water Budget Ordinance and Procedures**

4                   At least once annually at the first Wednesday in February, the Governing  
5                   Body shall review at a public hearing the effectiveness of the Annual  
6                   Water Budget Ordinance and the Annual Water Budget Procedures in  
7                   achieving its purposes, the effect the Annual Water Budget Ordinance is  
8                   having on the economy, the effect the Annual Water Budget Ordinance is  
9                   having on efficient and effective operation of the development approval  
10                  process and review the possible amendments to the Annual Water  
11                  Budget Ordinance.

12           **Section 9.**     Section 14-8.13(F)(1) SFCC 1987 (being Ord. #2002-29) is amended  
13 to read:

14                   (1)     **New Building Permits and Water Hook-ups**

15                  Beginning on September 11, 2002 except as provided below in §14-  
16                  8.13(F)(3), all building permit applications for the construction or  
17                  placement of new multi-family residences, new single family residences,  
18                  or any non-residential structure which after completion will require water  
19                  service (whether or not a meter for service has been previously installed)  
20                  from the city water system, or applications for water service from any  
21                  project that is described in Article I, item 3, Applicability, Annual Water  
22                  Budget Administrative Procedures shall only be issued when the  
23                  applicant has received an Administrative Allocation Assignment and  
24                  complied with the conditions thereof.

25           **Section 10.**    Section 14-8.13(F)(2) SFCC 1987 (being Ord #2002-29) is amended

1 to read:

2 (2) Specified Development Approvals

3 All applications filed after September 11, 2002 for subdivision approvals  
4 under §14-3.7 (except subdivisions considered by the Summary  
5 Committee of the Planning Commission and Inheritance or Family  
6 Transfer Subdivisions under §14-3.7E) and for development proposals  
7 requiring a development plan approval under this chapter, shall only be  
8 granted final approval when the applicant has received an Administrative  
9 Allocation Assignment for the proposed project and complied with the  
10 conditions thereof or has received approval for the use of offset at time  
11 of building permit application as described in §14-8.13(F)(3) below.

12 Section 11. Section 14-8.13(F)(4) SFCC 1987 (being Ord. #2002-29) is amended

13 to read:

14 (4) The Annual Water Budget Procedures shall require replacement water  
15 fixtures for residential and non-residential construction subject to §14-  
16 8.13 as follows:

17 (a) Residential Uses:

18 (i) For a "DWELLING UNIT, LOW WATER USE" as  
19 defined herein, the applicant shall retrofit eight fixtures  
20 for each new unit;

21 (ii) For a DWELLING UNIT, MEDIUM USE" as defined  
22 herein, the applicant shall retrofit ten fixtures for each  
23 new unit; and

24 (iii) For a DWELLING UNIT, HIGH WATER USE" as  
25 defined herein, the applicant shall retrofit twelve fixtures

1 for each new unit.

2 (b) Non-residential Uses. The applicant shall retrofit the number of  
3 fixtures in accordance with the Annual Water Budget  
4 Procedures. In all cases, the amount of water offset by retrofits  
5 shall be equal to or greater than the estimated water usage of the  
6 proposed building as determined by the Annual Water Budget  
7 Procedures.

8 (c) The City shall monitor water use in all retrofitted buildings and  
9 shall report such use to the public in the semi-annual water use  
10 and supply review.

11 (d) Any fixture that is obtained for free or which has received a  
12 rebate from any City water conservation program (i.e. Water  
13 Wise) shall only be counted as an eligible retrofit if the proposed  
14 building meets the definition of a low priced dwelling unit.

15 Section 12. A new Section 14-8.13(G) SFCC 1987 is ordained to read:

16 (G) [NEW MATERIAL.] Appeals

17 Appeals of decisions of the Planning and Land Use Director regarding the  
18 Annual Water Budget Ordinance shall be heard by the City Manager. Appeals of  
19 the decisions of the City Manager shall be heard by the Public Utilities  
20 Committee. Appeals of the decisions of the Public Utilities Committee shall be  
21 heard by the Governing Body.

22 Section 13. The following definitions in Article 14-12 SFCC 1987 (being Ord.  
23 #2001-38 as amended) are repealed:

24 **ALLOCATION, DEVELOPMENT**

25 An approval needed per proposed individual residential lot, dwelling unit or commercial

1 building in order to proceed with a subdivision or development plan or in the case of a  
2 proposed development located outside city limits, an approval needed prior to initiating  
3 water service with the city, or physically connecting a water line to the city water system.

#### 4 **ALLOCATION, PERMIT**

5 An approval needed to proceed with a building permit application as required by the city  
6 or, in the case of a development located outside city limits, an approval needed prior to  
7 requesting a water meter and actual water from the city for each individual dwelling unit,  
8 residential lot or commercial building.

#### 9 **ALLOCATION PERIOD, PERMIT**

10 The calendar year divided into the following four quarters: January-March, April-June,  
11 July-September, October-December.

#### 12 **ALLOTMENT, WATER**

13 An amount of water approved for a specific applicant from the water budget that is used  
14 in calculating and determining development, permit and water hook-up allocations. A  
15 water allotment does not guarantee a right to water but is only a measurement used in  
16 dividing the water budget among various applicants for the purpose of processing water  
17 budget allocation requests.

#### 18 **PUBLIC USE**

19 For the purpose of the annual water budget, outdoor water use for public facilities, such  
20 as sports and playing fields, parks, schools, Santa Fe River ecosystem, and the like.

#### 21 **RANDOM SELECTION**

22 For the purpose of the annual water budget (14-8.13), a selection from a group based  
23 upon chance.

#### 24 **RESERVE USE**

25 Emergency reserve of available reliable supply or such purposes as basic living, basic

1 sanitation and fire suppression.

2 **TOURIST LODGING**

3 For the purpose of the annual water budget (14-8.13), a *bed and breakfast, hotel or motel*  
4 as those terms are defined in 14-12.

5 **Section 14.** The following definitions in Article 14-12 SFCC 1987 (being Ord.  
6 #2001-38 as amended) are added:

7 **INCREASE IN WATER USE**

8 For the purpose of the annual water budget (§14-8.13), see the Annual Water Budget  
9 Administrative Regulations and Procedures.

10 **WATER HOOKUP**

11 For the purpose of the annual water budget (§14-8.13), see the Annual Water Budget  
12 Administrative Regulations and Procedures.

13 **WATER METER**

14 For the purpose of the annual water budget (§14-8.13), see the Annual Water Budget  
15 Administrative Regulations and Procedures.

16 **WATER SERVICE**

17 For the purpose of the annual water budget (§14-8.13), see the Annual Water Budget  
18 Administrative Regulations and Procedures.

19 **Section 15.** A new Section 25-1.12 SFCC 1987 is ordained to read:

20 **25-1.12 [NEW MATERIAL.]** Annual Water Budget Applicability. The annual  
21 water budget is established as set forth in Section 14-8.13 SFCC 1987 and shall apply  
22 accordingly.

23 **PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of December, 2003.  
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1 Larry A. Delgado  
2 LARRY A. DELGADO, MAYOR  
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4 ATTEST:

5  
6 Yolanda Y. Vigil  
7 YOLANDA Y. VIGIL, CITY CLERK  
8

9 APPROVED AS TO FORM:

10  
11 Bruce Thompson  
12 BRUCE THOMPSON, CITY ATTORNEY  
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